

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
April 13, 2006

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Chaplain Ted Williams and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Council Member Larry Spell
Wayne Bowers, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Bowers requested that a closed session be added to the end of the agenda to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. He also asked that the item regarding the purchase of property on Moye Boulevard near Guy Smith Stadium be moved to after the closed session.

Motion was made by Council Member Craft and seconded by Council Member Spell to approve the agenda with the amendments requested by the City Manager. Motion carried unanimously.

SPECIAL RECOGNITIONS

Mr. Terry Grimes was presented with a plaque upon his retirement with 30 years of service in the Public Works Department. Chief Joe Simonowich was presented with a plaque upon his retirement with 35 years of service in the Police Department.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Community Appearance Commission

Motion was made by Council Member At-Large Dunn and seconded by Council Member Craft to reappoint Brenda Ernest for a first three-year term expiring April 2009; to appoint Paul Brezina for a first three-year term expiring April 2009, replacing Elizabeth Proctor who is

ineligible for reappointment; and to appoint Albrecht McLawhorn for a first three-year term expiring April 2009 replacing Cheryl Williamson, who is ineligible for reappointment. Motion carried unanimously.

Environmental Advisory Commission

Motion was made by Council Member Dunn and seconded by Council Member Spell to reappoint Edward Caldwell and Rocky Russell for a first three-year term expiring April 2009 and to reappoint F. Durward Tyson for a second three-year term expiring April 2009. Motion carried unanimously.

Police Community Relations Committee

Mayor Parrott announced the appointment of James (Jim) R. Bell, Jr. to fill an unexpired term expiring October 2006 replacing Cynthia Cox, who resigned.

Youth Council

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Spell to appoint Parteek Singla and Nancy York of J. H. Rose High School for an unexpired term expiring September 2006. Motion carried unanimously.

Replacement appointments to the Tenth Street Connector Citizen Advisory Committee

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Little to appoint Louvenia Sutton and Bill Sanders to the Tenth Street Connector Citizen Advisory Committee. Motion carried unanimously.

INVITATION FOR COUNCIL

Mr. David Boyd, Mayor of the Town of Simpson, announced that the North Carolina State Chapter of the Lions Club will be having its 83rd State Convention at the Hilton the weekend of April 22. This is the first time it has been held in Greenville. He encouraged the Council to drop by and make the members feel welcome.

ORDINANCE (REQUESTED BY MEDFORD POINTE, INC.) AMENDING THE FUTURE LAND USE PLAN MAP FOR THE AREA DESCRIBED AS BEGINNING EAST OF ALLEN ROAD, SOUTH OF THE COMMERCIAL COMPONENT OF THE ALLEN ROAD AND THE NORFOLK SOUTHERN RAILROAD FOCUS AREA TO NORTH OF GREEN MILL RUN, CONTAINING APPROXIMATELY 15 ACRES, FROM A "HIGH DENSITY RESIDENTIAL" CATEGORY TO AN "OFFICE/INSTITUTIONAL/MULTI-FAMILY" CATEGORY - ADOPTED

City Manager Wayne Bowers reported that a notice of public hearing was published in The Daily Reflector on April 3 and 9, 2006 setting this time, date and place for a public hearing to consider a request by Medford Pointe, Inc. to amend the Future Land Use Plan Map for the area described as beginning east of Allen Road, south of the commercial component of the Allen Road and the

Norfolk Southern Railroad Focus Area to 1,600± feet north of Green Mill Run, and a depth of 600± feet, containing approximately 15 acres, from a “High Density Residential” category to an “Office/Institutional/Multi-family” category. The Planning and Zoning Commission, at its March 21, 2006 meeting, voted to approve the request.

Mr. Harry Hamilton, Chief Planner, delineated the property on a map and stated that this is a land use plan amendment requested by Medford Pointe, Inc., which involves 15 acres. It is in conjunction with the upcoming rezoning request. The property is located along Allen Road and is not impacted by the floodplain. There is a neighborhood focus area at the intersection of Allen Road, a major thoroughfare, and the railroad tracks. The existing land use is vacant. There are some single-family homes to the west and south of the subject property. The property is currently zoned R6, R9 and RA20. The future land use plan recommends High Density Residential and the proposed request is to amend the Land Use Plan for Office/Institutional/Multi-Family. Within the Comprehensive Plan, office/institutional/Multi-family land uses should be developed along thoroughfares to provide a transition between commercial nodes and to preserve vehicle carrying capacity and should be used as a buffer between light industrial and commercial development to adjacent lower density residential land uses. In staff’s opinion, the proposed Office/Institutional/Multi-Family land use category would maintain the recommended buffer between the recognized focus area and the medium density residential in the interior areas. The proposed amendment would allow for office, service and limited commercial uses in addition to the existing high density residential use option already under the current Land Use Plan designation. The density would be 17 units per acre.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, representing the petitioner, stated that Medford Pointe, Inc. is under contract with his client to purchase the entire tract of land they own. They are requesting a land use plan amendment so that when a rezoning is requested, it will not be against the land use plan. It will give the property owner the potential to have more uses and will allow land for support services on Allen Road.

There being no further comments, the public hearing was closed.

Motion was made by Mayor Pro-Tem Council and seconded by Council Member Craft to adopt the ordinance amending the future Land Use Plan Map for the area described as beginning east of Allen Road, south of the commercial component of the Allen Road and the Norfolk Southern Railroad Focus Area to 1,600± feet north of Green Mill Run, and a depth of 600± feet, containing approximately 15 acres, from a “High Density Residential” category to an “Office/Institutional/Multi-family” category. Motion carried unanimously. (Ordinance No. 06-36)

ORDINANCE REZONING MEDFORD POINTE, INC. PROPERTY LOCATED ALONG THE EASTERN RIGHT-OF-WAY OF ALLEN ROAD, SOUTH OF NORFOLK SOUTHERN RAILROAD, WEST OF LAKE ELLSWORTH SUBDIVISION, AND NORTH OF DICKINSON AVENUE AS FOLLOWS: TRACT 1—R6 TO OR, TRACT 2—R9 TO R6; TRACT 3—R6 TO MO; AND TRACT 4—RA20 TO OR - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on April 3 and 9, 2006 setting this time, date and place for a public hearing to consider a request by Medford Pointe, Inc. to rezone 35.87 acres located along the eastern right-of-way of Allen Road, 1,250± feet south of the Norfolk Southern Railroad, west of Lake Ellsworth Subdivision, and 5,000± feet north of Dickinson Avenue, as follows: Tract 1--R6 to OR, Tract 2—R9 to R6; Tract 3—R6 to MO; and Tract 4—RA20 to OR. The Planning and Zoning Commission, at its March 21, 2006 meeting, voted to approve the request.

Mr. Hamilton delineated the property on a map and stated that the property is currently vacant and there are single-family homes to the west and south. Tract 2 is impacted by the floodway and the 100 and 500-year floodplains of Green Mill Run, and development within the floodway is prohibited. Single-family lots in Tract 2 would be required to be elevated to base flood elevation plus one foot or to the 500-year floodplain, whichever is greater. Allen Road is a major thoroughfare. The rezoning request could generate an additional 2,500 trips. The current Land Use Plan recommends high-density multi-family. The Land Use Plan was recommended for amendment, which would recommend Office/Institutional/Multi-family. There is some medium-density residential in the interior area. In staff's opinion, this request is in compliance with the Comprehensive Plan and with the Land Use Plan that was just amended.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, representing the petitioner, stated that the request is in compliance with the newly amended Comprehensive Plan. Tract 2 is actually a downzoning.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Council to adopt the ordinance rezoning 35.87 acres located along the eastern right-of-way of Allen Road, 1,250± feet south of the Norfolk Southern Railroad, west of Lake Ellsworth Subdivision, and 5,000± feet north of Dickinson Avenue, from RA20, R9, and R6 to Tracts 1 and 4 – OR, Tract 2 – R6S, and Tract 3 – MO. Motion carried unanimously. (Ordinance No. 06-37)

ORDINANCE REZONING TRILEX, INC. PROPERTY LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF EVANS AND SECOND STREETS FROM OR TO CD - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on April 3 and 9, 2006 setting this time, date and place for a public hearing to consider a request by Trilex, Inc to rezone 0.2 acre (8,415 square feet) located at the northeast corner of the intersection of Evans and Second Streets, from OR to CD. The Planning and Zoning Commission, at its March 21, 2006 meeting, voted to approve the request.

Mr. Hamilton delineated the property on a map and stated that this property is located within the downtown commercial core. Currently, the property has an office with on-site parking, and the property is not impacted by the floodplain. The downtown area is a regional focus area, and the Land Use Plan recommends commercial zoning in this area. In staff's opinion, the request is in compliance with the Comprehensive Plan and Land Use Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Jim Walker was present to answer questions.

There being no questions or comments, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Dunn to adopt the ordinance rezoning 0.2 acres (8,415 square feet) located at the northeast corner of the intersection of Evans and Second Streets, from OR to CD. Motion carried unanimously. (Ordinance No. 06-38)

ORDINANCE REZONING JUDITH ALLEN VANDIFORD PROPERTY LOCATED ALONG THE WESTERN RIGHT-OF-WAY OF ALLEN ROAD, SOUTH OF NORFOLK SOUTHERN RAILROAD, AND EAST OF PITT COUNTY LANDFILL, FROM MRS TO MCH - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on April 3 and 9, 2006 setting this time, date and place for a public hearing to consider a request by Judith Allen Vandiford. to rezone 1.89± acres located along the western right-of-way of Allen Road, south of the Norfolk Southern Railroad, and 450± feet east of the Pitt County Landfill, from MRS to MCH. The Planning and Zoning Commission, at its March 21, 2006 meeting, voted to approve the request.

Mr. Hamilton delineated the property on a map and stated that the property currently contains one single-family residence and is not impacted by the floodplain. There is a neighborhood focus area located at Allen Road, a major thoroughfare, and the railroad tracks. The rezoning request could generate an additional 170 trips. The Land Use Plan recommends commercial zoning for the intersection of Allen Road and the railroad tracks. In staff's opinion, the request is in compliance with the Comprehensive Plan and Land Use Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin stated that the request is in compliance with the Comprehensive Plan and Land Use Plan.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Council to adopt the ordinance rezoning 1.89± acres located along the western right-of-way of Allen Road, south of the Norfolk Southern Railroad, and 450± feet east of the Pitt County Landfill, from MRS to MCH. Motion carried unanimously. (Ordinance No. 06-39)

ORDINANCE REZONING ANNE ALLEN HARDEE AND JUDITH ALLEN VANDIFORD
PROPERTY LOCATED ALONG EASTERN RIGHT-OF-WAY OF ALLEN ROAD, SOUTH
OF NORFOLK SOUTHERN RAILROAD, WEST OF LAKE ELLSWORTH SUBDIVISION,
NORTH OF COBBLESTONE SUBDIVISION, AND NORTH OF GREEN MILL RUN, FROM
RA20 TO R6 - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on April 3 and 9, 2006 setting this time, date and place for a public hearing to consider a request by Anne Allen Hardee and Judith Allen Vandiford to rezone 21.97± acres located along the eastern right-of-way of Allen Road, 2,460± feet south of the Norfolk Southern Railroad, west of Lake Ellsworth Subdivision, 288± feet north of Cobblestone Subdivision, and north of Green Mill Run, from RA20 to R6. The Planning and Zoning Commission, at its March 21, 2006 meeting, voted to approve the request.

Mr. Hamilton delineated the property on a map and stated that this request is located on the opposite side of the road as the previous request. There are single-family homes to the south and west of the subject property. The property is impacted by the floodway and the 100 and 500-year floodplain associated with Green Mill Run. Any single-family dwellings on these lots must be elevated to base flood elevation plus one foot or the 500-year floodplain, whichever is greater. No development would take place in the floodway. This rezoning request could generate an additional 990 trips. The Land Use Plan recommends high density residential along the eastern right-of-way of Allen Road. The property is currently zoned RA-20; however, property to the north and east is zoned R6, which is the requested zoning for this property. In staff's opinion, the request is in compliance with the Comprehensive Plan and the Land Use Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin stated that the request is in compliance with the Comprehensive Plan and Land Use Plan.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Council to adopt the ordinance rezoning 21.97± acres located along the eastern right-of-way of Allen Road, 2,460± feet south of the Norfolk Southern Railroad, west of Lake Ellsworth Subdivision, 288± feet north of Cobblestone Subdivision, and north of Green Mill Run, from RA20 to R6. Motion carried unanimously. (Ordinance No. 06-40)

ORDINANCE REZONING DVML, LLC PROPERTY LOCATED EAST OF FROG LEVEL ROAD, SOUTH OF DARRELL DRIVE, NORTH OF MEADOW WOODS SUBDIVISION, AND IMMEDIATELY SOUTH OF TRIPP FARMS SUBDIVISION (COLONY WOOD SUBDIVISION), FROM RA20 TO R6S - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on April 3 and 9, 2006 setting this time, date and place for a public hearing to consider a request by DVML, LLC to rezone 13.643 acres located 470± feet east of Frog Level Road, 990± feet south of Darrell Drive, north of Meadow Woods Subdivision, and immediately south of Tripp Farms Subdivision (Colony Wood Subdivision), from RA20 to R6S. The Planning and Zoning Commission, at its March 21, 2006 meeting, voted to approve the request.

Mr. Hamilton delineated the property on a map and stated that to the north of this property is Tripp Farms Subdivision; to the east is Charleston Village; and to the south is Meadow Woods Subdivision. The streets within these three subdivisions will provide access to the subject property. To the west are two single-family homes and there are duplexes in the vicinity of the property. The property is not impacted by the floodplain. Frog Level Road is considered a minor thoroughfare. The requested rezoning could generate an additional 100 trips. The Land Use Plan recommends medium-density residential along Allen Road and on the interior areas adjacent to the focus area. In staff's opinion, the request is in compliance with the Comprehensive Plan and the Land Use Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin stated that the request is in compliance with the Comprehensive Plan and Land Use Plan.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Glover to adopt the ordinance rezoning 13.643 acres located 470± feet east of Frog Level Road, 990± feet south of Darrell Drive, north of Meadow Woods Subdivision, and immediately south of Tripp Farms Subdivision (Colony Wood Subdivision), from RA20 to R6S. Motion carried unanimously. (Ordinance No. 06-41)

ORDINANCE REZONING LANGSTON FARMS, LLC PROPERTY LOCATED EAST OF MEMORIAL DRIVE, SOUTH OF WESTHAVEN SUBDIVISION AND SOUTH OF THE PROPOSED THOMAS LANGSTON ROAD EXTENSION, WEST OF SEABOARD COASTLINE RAILROAD, AND NORTH OF FIRE TOWER ROAD, FROM RA20 TO TRACT 1 – R6S AND TRACT 2 – R9S - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on April 3 and 9, 2006 setting this time, date and place for a public hearing to consider a request by Langston Farms, LLC to rezone 41.190 acres located 2,115± feet east of Memorial Drive, 580± feet south of Westhaven Subdivision and south of the proposed Thomas Langston Road Extension, 250± feet west of the Seaboard Coastline Railroad, and 3,180± feet north of

Fire Tower Road, from RA20 to Tract 1 – R6S and Tract 2 – R9S. The Planning and Zoning Commission, at its March 21, 2006 meeting, voted to approve the request.

Upon being informed by Council Member Little that he had a conflict of interest on this issue, motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Council to excuse him from voting on this issue. Motion carried unanimously.

Mr. Hamilton delineated the property on a map and stated that the property is not impacted by the floodplain. This rezoning could generate an additional 950 trips, and Thomas Langston Road would serve the property. The Land Use Plan recommends medium-density residential. In staff's opinion, the request is in compliance with the Comprehensive Plan and Land Use Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin stated that the request is in compliance with the Comprehensive Plan and Land Use Plan.

There being no comments, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Glover to adopt the ordinance rezoning 41.190 acres located 2,115± feet east of Memorial Drive, 580± feet south of Westhaven Subdivision and south of the proposed Thomas Langston Road Extension, 250± feet west of the Seaboard Coastline Railroad, and 3,180± feet north of Fire Tower Road, from RA20 to Tract 1 – R6S and Tract 2 – R9S. Motion carried unanimously. (NOTE: Council Member Little was excused from voting on this issue.) (Ordinance No. 06-42)

ORDINANCE AMENDING SECTION 9-4-224 OF ZONING REGULATIONS TO REQUIRE REMOVAL OF ABANDONED SIGNS AND SIGN SUPPORT STRUCTURES - ADOPTED

City Manager Bowers reported that a notice of public hearing was published in The Daily Reflector on April 3 and 9, 2006 setting this time, date and place for a public hearing to consider a request by the Community Development Department to amend Section 9-4-224 of the zoning regulations to require removal of abandoned signs and sign support structures. The Planning and Zoning Commission, at its March 21, 2006 meeting, voted to approve the request.

Mr. Hamilton delineated the property on a map and stated that this is a request to amend the sign regulations to require removal of abandoned signs and sign support structures. The new section would require that signs and sign support structures that are abandoned for a period of 12 months shall be removed. For purposes of this section, when an establishment, building or use that is the beneficiary of any on-premise sign has been vacated or otherwise no longer in operation, all signs and sign support structures associated with the vacated establishment, building or use shall be deemed to be abandoned. Pictures of abandoned signs and sign structures were shown to Council.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Spell and seconded by Council Member Little to adopt the ordinance amending Section 9-4-224 of the zoning regulations to require removal of abandoned signs and sign support structures. Motion carried unanimously. (Ordinance No. 06-35)

PUBLIC COMMENT PERIOD

Mr. Frank Schenck, Vice-Chairman of Greenville-Pitt Public Access Television Commission, stated that it has been added to the Pitt County franchise agreement. He thanked the City Council for adding it to the proposed budget and gave an update on cable television issues.

Ms. Jill Twark, President of Friends of Greenville Greenways (FROGGS), informed the Council of the new organization. There are currently 175 people on the listserve. She reported on the activities of the group.

Mr. Christopher Taylor expressed to the Council that youth concerns should be top priority. Families need to be restored and adults need to be role models and encourage the youth to care more about their health. He requested that the Council create a Youth Advisory Committee to be an advisory group to City Council, one that would evaluate problems of youth and bring the findings back to City Council for solutions to be found.

Mr. Ozie Hall expressed support of Mr. Taylor's request. Other cities have come up with comprehensive plans and coordinated with departments

Mr. R. J. Hemby also expressed support of Mr. Taylor's request.

Council Member Glover expressed support for what Mr. Taylor is trying to do.

PROPOSED ASSIGNMENT OF CABLE TELEVISION FRANCHISE FROM COXCOM, INC., TO CEBRIDGE ACQUISITION, L.P. – APPROVED

City Attorney Holec stated that Council approved the first reading of the ordinance approving the assignment of the cable television franchise at the April 10 City Council meeting. This ordinance does require a second reading in order to be approved. As a reminder, in determining whether or not to approve the proposed assignment, the City is to examine the legal, financial, character, technical, and other public interest qualifications of the proposed franchisee, which would be Cebridge Acquisition, L. P. The ordinance contains conditions in it to ensure that those qualifications are met. Based upon the conditions that are in the ordinance, staff's recommendation is that Council approve the ordinance on its second reading.

Motion was made by Council Member Craft and seconded by Council Member Little to approve the proposed assignment of the Cable Television Franchise from CoxCom, Inc. to Cebridge Acquisition, L.P. Motion carried unanimously.

APPROVAL OF HOMEOWNERSHIP INCENTIVE PROGRAM FOR UNIVERSITY AREA -
APPROVED

Mr. Merrill Flood, Director of Community Development, stated that one of the recommendations of the Task Force on Preservation of Neighborhoods and Housing was: "In cooperation with East Carolina University to develop a 'forgivable' loan program for City employees and East Carolina University faculty and staff; to provide down payment and closing cost assistance for owner-occupied purchase of homes in designated neighborhoods." This recommendation was incorporated as an action item in the City Council goals for 2006-07. City staff has developed a program to encourage citizens to buy homes within older neighborhoods of the City entitled "Homeownership Incentive Program for University Area" that will provide participants with \$7500 as down payment assistance towards the purpose of an existing home within targeted neighborhoods. On March 8, 2006, the Affordable Housing Loan Committee reviewed and voted unanimously to recommend to City Council approval of the program with the assistance being made available to any citizen aspiring to buy a home within the target area. City staff recommended that the program initially be limited to City employees as recommended by the Task Force. If sufficient demand is not generated during the first six months of the program from City employees, eligibility would be extended to all citizens. The initial program has identified the University Area as the first target area. The program as presented read as follows:

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City of Greenville
Homebuyer Incentive Program for University Area

The Homebuyer Incentive Program for University Area is designed to assist potential homebuyers with down payment assistance to purchase a home within the University Area. A No Interest Forgivable Loan of \$7500 may be available to qualified borrowers meeting program guidelines below. Assistance will be in the form of a secured no interest loan, forgiven by 1/10 of the original principal balance on an annual basis for the 10-year recapture period.

Eligibility: Qualified buyers are to meet credit, employment, loan to value and income debt standards established by the City of Greenville and the mortgage lender. The funds can be used for the purchase of a single-family dwelling, condominium, or townhouse located within the University Area. Funds cannot be used for the purchase of a mobile home. Buyers must satisfactorily complete homeownership education program, present certificate of completion and pre-qualify with a mortgage lender. Buyers must occupy dwelling as principle residence.

Location & Price: Home must be within the University Area and meet the City of Greenville minimum housing standards. Maximum sales price for down payment assistance is \$150,000 for an existing home or new construction.

Minimum Investment: \$1000 plus closing cost (closing cost may be paid by buyer, seller, or through other available city funds.

Security: A Deed of Trust in the amount received will be recorded taking a second position (no less than a third position if using other city funds).

Other: Applicant must pre-qualify with lending institution before applying for down payment/closing cost assistance with the City of Greenville. Applicant must provide a signed copy of the Lender's Good Faith Estimate (GFE) with all fees disclosed, the interest rate and terms of loan. Mortgage lenders used for financing on the first mortgage must include escrows as part of their package.

Unacceptable First Mortgage Products:

- Loans with owner financing as part of the structure are not acceptable.
- All loans to borrower must be cost effective. Interest rates should be at market rate or less with no loan discount points; loan origination fee should be 1% or less and all loan fees should be normal and not excessive.
- First mortgage loan products that balloon prior to 30 years, adjustable rate mortgages, buy-down or step mortgages, loans with less than 20 year terms and loans with call options should not be considered as acceptable programs for borrowers requesting City of Greenville Down payment/Closing Cost Assistance Programs.

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Motion was made by Council Member Spell and seconded by Council Member Craft to approve the Homeownership Incentive Program, including the guidelines and eligibility requirements, for the University area. Motion carried unanimously.

RESOLUTIONS ESTABLISHING STATE LEGISLATIVE INITIATIVES - ADOPTED

Resolution seeking enactment of legislation relating to regulation of the removal and preservation of trees

City Attorney Holec stated that there was discussion at the last meeting to ensure what they were aiming for in this legislation--to regulate the removal and preservations of trees prior to development. City Attorney Holec stated that he has prepared a proposed session law that has some language that specifies that particularly. The language that has been added in the session law is a provision that would be included in the ordinance in accordance with the session law, Section 1(b)(1). It would provide that the requirements of the ordinances apply only to activity occurring on undeveloped property prior to the approval of the site plan, subdivision plan or other authorized development plan or permit for the property. After approval of the site plan, subdivision plan or other authorized development plan or permit for the property, the property, including the property within the perimeter buffer zone, may be developed in accordance with applicable regulations governing development of the property. When owners and developers are ready to go forward with the development and have an approved plan, then they would have to look at whatever the City's development regulations provide as far as tree removal or retention is

concerned, and the provisions that are adopted pursuant to an ordinance enacted pursuant to this legislation would not restrict their ability to address those trees in accordance with what their development plans are. One of the intents and purposes of this is when legislation and an ordinance like this are in place, it reduces the circumstances in which the property is clear cut without there being a plan for development of the property. The other thing it accomplishes is that it allows the owner or developer of the property to consider and evaluate the advantages of retaining existing trees during development and to utilize any credits, which development regulations provide for retaining existing trees pursuant to the regulations. The resolution actually ties the request to the draft session law and says that the requested legislation be substantially similar to the draft session law.

Motion was made by Council Member Spell and seconded by Council Member Dunn to adopt the resolution establishing the City's legislative initiative regarding trees. Motion carried unanimously. (Resolutions No. 06-11)

Resolution in support for Pitt County in its efforts in seeking authority to implement a local options sales tax exclusively for education related capital needs in Pitt County

City Attorney Holec stated that this is a carryover from 2005 when Pitt County was seeking a sales tax increase in order to fund school capital needs. The City Council approved a resolution in support of that. The House approved it, the Senate was unable to vote upon it, and with that situation it is a bill eligible for consideration during the short session. This resolution expresses the City Council's support for the efforts of Pitt County in order to meet the capital needs of Pitt Community College and the public schools and to request our delegation to take the necessary action to enact this legislation.

Motion was made by Council Member Dunn and seconded by Council Member Craft to adopt the resolution supporting Pitt County's efforts for a sales tax, which is a carryover from last year. Motion carried unanimously. (Resolutions No. 06-12)

Resolution in support of the establishment of a School of Dentistry at East Carolina University

City Attorney Holec stated that the University is in pursuit of a School of Dentistry. They have actually gone through the Board of Governors and have received some level of support with that. One of the things that they will be looking for in this legislative session will be some allocation of funds, which will assist in the planning efforts as they go through this process. Establishment of the School of Dentistry would result in addressing the oral health needs of the underserved population in the State similar to the way that the Brody School of Medicine addresses their health care needs. Additionally, this would be a very good economic measure for the City of Greenville. It would generate increased employment opportunities and the building of a health care infrastructure, which would attract jobs. This resolution supports the establishment of the School of Dentistry and asks that the local delegation take the necessary action to fund the establishment of the School.

Motion was made by Council Member Dunn and seconded by Council Member Craft to adopt the resolutions supporting the School of Dentistry at East Carolina University. Motion carried unanimously. (Resolutions No. 06-13)

RESOLUTION ESTABLISHING A NEW CITY COUNCIL BOARD AND COMMISSION POLICY AND REPEALING RESOLUTION NOS. 854 AND 1313 - ADOPTED

City Clerk Wanda Elks informed the Council that a board and commission appointment policy was adopted by resolution of City Council in 1984 and was amended in 1992. Since that time, Councils have created many informal policies. All of those written and unwritten policies were incorporated into one document and sent to you for review in February. At the March 6 Council meeting, the document was reviewed and your feedback given on several issues. Input received at that meeting has been incorporated as follows:

- Addition of the provision for Council Members to have an opportunity to discuss with the Mayor their choices of boards and commissions to serve as liaison to prior to appointments being made by Mayor.
- Removal of the one-year waiting period for serving on another board or commission if the person completes at least one full term on a board and waits until the completion of his term.
- Addition of slotting criteria and appointment information for the various boards and commissions.
- Having the City Clerk send a letter to persons not meeting the attendance requirement and allowing some flexibility on how replacement is done.

City Clerk Elks concluded by stating that if Council chooses to approve the policy as written, adoption of the resolution establishing the policy and repealing the previous resolutions regarding the boards and commission policy will need to be adopted.

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the resolutions establishing a new City Council board and commission policy and repealing Resolution Nos. 854 and 1313. Motion carried unanimously. (Resolution No. 06-14)

ACCEPTANCE OF EXECUTORY INTEREST IN POTENTIAL LIBRARY SITE AND WAIVER OF SUBDIVISION FEE - APPROVED

City Attorney Holec stated that the Boys and Girls Club received a donation of property from ALL Properties, LLC in December 2005 consisting of 13 acres of property located on Highway 33 West (Belvoir Highway). When the donation was made, Mr. Lewis wanted to provide an area that could possibly be the site of a library in the future. In order to accomplish this, Mr. Lewis and the Boys and Girls Club agreed that an executory interest in an approximately two-acre tract within the 13 acres of property would be conveyed to the City. This interest provides that upon the fulfillment of a specified condition, the property will be vested in the City, but if the condition is not fulfilled, then the property will continue to be owned by the Boys and Girls Club. The condition that will trigger the vesting of the ownership interest in the property is: "If the City of Greenville, within five years of the date of this deed, shall budget by the approval of a budget ordinance approved by the City Council of the City of Greenville, the building of a public library on the property, then the property shall automatically vest in the City of Greenville." The

conveyance of the executory interest occurs in a deed. The reason that the conveyance is occurring at this time is to ensure that it is accomplished at this time rather than waiting for a future Board of Directors of the Boys and Girls Club to act upon the matter in five years.

Motion was made by Council Member Little and seconded by Council Member Spell to approve the acceptance of the executory interest and to waive the subdivision fee. Motion carried unanimously.

BUDGET ORDINANCE AMENDMENT #9 TO THE 2005-2006 CITY OF GREENVILLE
BUDGET – ADOPTED

Motion was made by Council Member Craft and seconded by Council Member Little to approve Budget ordinance amendment #9 to the 2005-2006 City of Greenville budget. Motion carried unanimously. (Ordinance No. 06-44)

ORDINANCE AMENDING GREENVILLE UTILITIES COMMISSION’S FY 2005-2006 GAS
FUND BUDGET –ADOPTED

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance amending Greenville Utilities Commission’s FY 2005-2006 Gas Fund Budget. Motion carried unanimously. (Ordinance No. 06-45)

REPORT ON BIDS AWARDED

City Manager Wayne Bowers referred the Council to bids that had been awarded as follows:

<u>Date</u>	<u>Item Description</u>	<u>Awarded To</u>	<u>Amount</u>
03/01/06	2007 Mack 40 Yd. Front Load Refuse Truck	Mack Truck Sales	\$156,915.00
03/23/06	Network Storage Equipment	4 Front Systems	\$ 70,176.36
03/24/06	Open Panel Systems for New Admin. Facility (U.S. Communities Contract Purchase - No Bid)	Taff Office Equipment Co.	\$138,618.45
03/24/2006	Casegoods for New Administrative Facility (N.C. State Contract Purchase – No Bid)	MacThrift Office Furniture	\$147,897.20
03/24/06	Chairs for New Administrative Facility (N.C. State Contract Purchase – No Bid)	Institutional Interiors	\$104,524.92

03/24/06	Chairs and Ganged Seating for New Administrative Facility	Institutional Interiors	\$128,946.00
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COMMENTS FROM MAYOR AND CITY COUNCIL

Council Members gave updates on upcoming events.

Council Member Spell stated that he did a ride-along with Neighborhood Services. The Division is restructuring and has positions that need to be filled. He is looking forward to a positive change.

Council Member Little thanked the volunteers for the Special Olympics and congratulated the athletes.

CITY MANAGER'S REPORT

The City Manager had nothing to report.

CLOSED SESSION

Motion was made by Council Member Craft and seconded by Council Member Little to go into closed session agenda to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Motion carried unanimously.

RETURN TO OPEN SESSION

Motion was made by Council Member Craft and seconded by Council Member Spell to return to open session. Motion carried unanimously.

PURCHASE OF PROPERTY ON MOYE BOULEVARD NEAR GUY SMITH STADIUM - APPROVED

Motion was made by Council Member Craft and seconded by Council Member Glover to approve the contract purchase of the Aman property across from Guy Smith Stadium for \$200,000. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Glover and seconded by Council Member Craft to adjourn the meeting at 9:00 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, MMC
City Clerk